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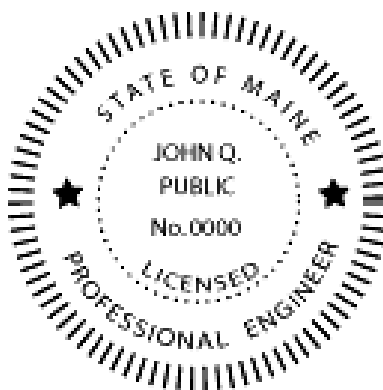
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# State of Maine Board of Licensure for Professional Engineers

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## Changing the Engineering Seal



Official PE seal

In July of 2006, the revised rules that changed the Board of Registration to the Board of Licensure became effective. As a result of this change, the seals currently being used by engineers with "registered" are no longer valid.

from "registered" to "licensed" as required by the Boards Rules, Section 11. After that date, the use of seals with the inaccurate term may be subject to discipline by the Board.

At the Board's September meeting, it voted to give engineers until December 31, 2007 to change their seals

## Welcome Our New Office Assistant by Beatrice M. Labbe

Linda M. McPherson has joined the Board staff as the new Office Assistant. She was selected as the most qualified candidate this past July. Her extensive employment background as Judicial Secretary to the Chief Justices of the Maine Superior and

Supreme Courts, as well as her great personality, made it easy for the Selection Committee to make its final decision. Linda has stated that she had been retired for approximately three years when she decided she wanted to find something to do for a

few days each week. We are very pleased to have Linda on board. Linda's position is half time and she may very well be the person at the other end of the line when you call. So please help us in welcoming Linda to the Board staff.

## PROPOSED EXEMPTIONS TO THE ENGINEERING LAW



This article is an update to the information I provided in the last newsletter about the proposed exemption to the engineer law that requires engineering documents to be stamped, signed and dated. The need for an exemption is primarily due to Article 106.1 in the state building code, IBC 2003, that requires that all "construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed". Because of the limited exemptions in the present engineering law, this makes almost every design document that is submitted to a Planning Board or building Code Enforcement Official (CEO) need at least an engineer's review, stamp, seal and date. Contractors, Code Enforcement Officials, and Engineers all agree that this requirement is impractical.

There have been several meetings with interested contractors, CEOs, and engineers where proposed exemptions were included, deleted, discussed, modified, and word-smithed. The PE Board continued to review other states' exemptions to their engineering laws. The PE Board generally endorses the outcome of these meetings. The exemptions to the engineering law that will be presented to the legislature are as follows:

- #1. One or two family detached residences.
- #2. Single use bathroom additions or renovations in an existing building provided there is no impact on the building's Life Safety Code requirements.
- #3. Revisions to existing HVAC systems and design of new HVAC systems provided this work has no impact on the building's Life Safety Code requirements and the project does not include more than one HVAC unit with a maximum cooling capacity of 5-Tons or a heating capacity of 200,000 BTU.
- #4. Farm buildings with an overall floor plan not exceeding 3,000 square feet.
- #5. Revisions or additions to plumbing

systems up to \$10,000 provided the work has no impact on the building's Life Safety Code requirements and does not involve roof drains.

#6. Revisions or additions to structural systems up to \$10,000 provided the design is in accordance with the tables provided in the current edition of the International Building Code (IBC).

#7. Revisions or additions to electrical systems up to \$10,000 provided the work has no impact on the building's Life Safety Code requirements.

#8. All work that is done under these exemptions shall be in accordance with the licensing requirements of the trade involved, ASHRAE #62, ASHRAE #90, the IBC, and the Fire Marshal's Office.

The next step is to prepare the bill for presentation and action by the Legislature.

It is not too late to make changes to this proposal. I encourage anyone with comments about these proposed exemptions to call the PE Board office. It is expected that there will be another PE Board meeting and public hearings to approve the final language of the exemption. All comments will be considered at that time.

**"It is not too late to make changes to this proposal. I encourage anyone with comments about these proposed exemptions to call the PE Board office."**



**NCEES Annual Meeting Highlights:** By Warren T. Foster, P.E.

From September 13-16, the NCEES held its 85<sup>th</sup> Annual Meeting in Anchorage, Alaska. Delegates from 49 states including Maine attended.

During the meeting, the NCEES Council took action on a number of matters that have future impact on NCEES, State Boards, and candidates for engineering licensure. Highlights of the more significant actions follow:

**Bachelor's Degree plus 30 credits**

The NCEES Council voted to modify the NCEES *Model Law* requirements for licensure to require that an engineer intern with a bachelor's degree must have an additional 30 credits of acceptable upper-level undergraduate or graduate-level coursework from approved providers in order to be admitted to the Principles and Practice of Engineering examination. The effective date of this provision is January, 2015.

*Director's Note:* Although this is in the NCEES Model Law, individual state's will decide on the additional education requirement and if agreed revise their laws to reflect this change. See Page 5 "From the Chair".

**Examination fee increase**

The NCEES Council voted to raise the exam fees for the PE and Structural I exams from \$125. to \$155. and the Struc-

tural II exam fee from \$395. to \$645. The FE exam fee will remain at \$45. The increases take effect with the October 2008 exam.

**National Registration System for exam candidates**

By 2008, the NCEES Council will implement a national exam registration system. This system will be mandatory for all Boards and will require Board approved exam candidates to register with NCEES as a condition of sitting for an NCEES exam.

The initial concept includes a Web-based registration form that candidates will be directed to by the State Board once approved for seating for an exam. NCEES will collect information that can be used to assist boards in identifying candidates who have taken an exam multiple times, in multiple jurisdictions, and/or are potential security risks.

NCEES will develop this system for implementation in 2008.

**Exam policies**

#1. The Council modified exam development policy to clarify that the exam scores furnished to Boards shall not be published.

#2. The Council added a section to exam administration policy which provides that, subsequent to each exam

administration, special reports will be provided to State Boards to identify candidates suspected of exam irregularities. Boards will be provided the results of any analysis conducted by NCEES or other information relevant to the suspected exam irregularity. The Boards will be required to conduct a review and notify NCEES of their findings and any State action taken.

*Director's Note:* Several states have reported suspected exam irregularities regarding candidates who have applied and been approved for sitting for an exam in one state and have been proctored in a different state. Because of this, Maine's Board voted to not allow proctoring of candidates approved in another state. Candidates approved to take the exam in Maine must take it here.



***"Maine's Board voted to not allow proctoring of candidates approved in another state."***



**EXPIRATION OF LICENSE ENDS ENGINEERING PRACTICE**

**“Currently, most Maine engineers do not have to pay late fees or reapply for licenses. It is the Board’s wish that “most” becomes “all.”**

For approximately 80% of Maine’s professional engineers, late renewal is not an issue; however, the remainder are generally late. With the advent of continuing education requirements, the latter is growing.

Failure to renew one’s license and continuing to practice will result in disciplinary action by the Board. As stated in the State of Maine Title 32 Chapter 19 of the Revised Statutes of 1964, Section 1357 “Licenses expire on the last day of December of odd numbered years following their issuance or renewal and **become invalid** on that date unless renewed”. Discipline by the Board stays on the engineer’s permanent record even if the engineer moves to another state.

Late renewal by engineers, in addition to not being able to practice during this time will also pay a late fee of \$10 for the first 90 days of being late and \$25 after that when renewing.

Maine’s statute states “that any person who submits an application for renewal more than 90 days after the renewal date is subject to all requirements governing new applicants under this chapter, except that the Board may in its discretion giving due consideration to the protection of the public, waive examination if the renewal application is made within 3 years from the date of expiration”.

Maine’s late fees and penalties are less severe than those of many states. Kentucky has a late fee of \$15. per month for up to a year. After a year, Kentucky engineers have to reapply for a license. Iowa requires that licensees reapply if more than 30 days late. In Texas, the late fee is \$75. for the first 90 days and double after that.

Currently, most Maine engineers do not have to pay late fees or reapply for licenses. It is the Board’s wish that “most” becomes “all”.

**What to do if you haven’t renewed:**

1. Don’t practice or stamp anything.
2. Get required PDH hours.
3. Submit log with backup documentation of PDH hours.
4. Submit late fee of \$25 and renewal fee.



### NEW MINIMUM REQUIREMENTS FOR LICENSURE

On Page 3 of the Newsletter, the Board's Executive Director has described a significant change that merits further discussion. It was voted to require an additional 30 college credits of engineering courses before applying to take the PE Exam starting in 2015. I would like to provide some insight regarding this requirement.

First, every state's PE Board is independent and must individually vote to accept this new requirement. This requirement has been discussed for about 4 years at national level meetings and I have reported to you about this change while it was in the discussion stage in previous Maine PE Board newsletters. The motion to make this change passed by a vote of 34 to 27 (one vote per state and US Territory). The Maine PE Board voted against this motion.

We voted against requiring the additional 30 college credits because we were not presented with a convincing assessment that showed declining performance on the PE exam impacted public safety. The PE exam consists of questions designed by practicing engineers. These questions are then reviewed by psychometrics experts to determine that an applicant that passes the exam is at least minimally competent to practice engineering as a professional engineer. If applicants can't pass the exam, then we don't want them practicing engineering in Maine. The fact that the number of engineers that can pass the exam has been declining in recent years is thought by some people to be caused by a reduction in the number of credits over the last 10-15 years needed to graduate from accredited engineering courses. The reduction in credit hours required is about 30. That is how the requirement for 30 additional hours was determined. The Maine PE Board is not fully convinced that this reasoning is correct.

Entering college freshmen in 2007 will be affected by this change in states that revise their engineering law to require a BS degree from an accredited engineering course plus 30 additional college credits to be eligible to sit for the PE exam in 2015.

Maine will probably have no choice but to change its engineering law to be consistent with the rest of the country. Maine has about 5300 licensees and 3500 of those are out of state. If a Maine resident PE applies for comity licensure in

another state after 2015 with the 30-credit requirement, that engineer's application will be denied until he/she has the 30 additional credits.

Please pass the word to people that are contemplating becoming licensed Professional Engineers that this change is coming and waiting till after 2015 to sit for the PE exam might be a bad plan. Maine will be monitoring the adoption of this provision in other states.



WE'VE CHANGED FROM REGISTRATION TO LICENSURE. DON'T FORGET TO CHANGE YOUR STAMP.



## UNLICENSED PRACTICE

The PE Board continues to discuss cases of unlicensed practice. Unlicensed practice takes several forms. In the “design-build” arena, a large building without any stamped drawings in sight is a clear indication that there is probably unlicensed practice to be found. A simple investigation can quickly identify someone responsible for the design. If it turns out that there is a PE taking responsibility for the design and has not provided stamped, signed, and dated engineering documents, then that PE is in violation of the Board’s rules and regulations and is flirting with reprimands, fines, or worse. If the responsible person is not a licensed PE, then the Board doesn’t deal with the person and turns over the case to the Attorney General for action.

Another hot spot seems to be building commissioning. If the building commissioner is a licensed PE and makes any change to a design for any reason, then that commissioner must provide stamped, signed and dated engineering documents that detail the change and also take responsibility for any consequences associated with the design change. This action can have serious insurance implications. If the building commissioner makes a design change and is not a licensed PE or doesn’t obtain stamped, signed, and dated engineering documents detailing the change from a licensed PE, then the Board treats the building commissioner as being engaged in unlicensed practice of engineering and turns the case over to the Attorney General.

If you become aware of possible unlicensed practice, please contact the PE Board office to discuss the situation.



NEW PENOBSCOT NARROWS BRIDGE AND OBSERVATORY. A BLEND OF TRANSPORTATION AND TOURIST DESTINATION. PHOTO PROVIDED BY MAINE DOT.



**“With License Renewals coming up in one year, it’s not too early to be thinking about making sure that you have the Professional Development hours required for 2006-2007”**

## CONTINUING EDUCATION UPDATE BY KATHY GUSTIN WILLIAMS, P.E.

### Audit Update

The Continuing Education Committee has completed the random audit of the 2005 renewals. Of the 50 Licensees audited, all but one, were acceptable or acceptable with adjustments to the number of PDH carried forward. A complaint has been filed against the one licensee who was deemed not to have met the requirements as a violation of the PE Board’s laws and rules. That complaint is currently making it’s way through the Complaint Process.

### Continuing Education Changes to the Rules

The PE Board Rules adopted on July 8, 2006 include the addition of 2 ways to earn additional Professional Development Hours.

Section 12 4e was amended to add **committee members** to the active participation in Professional or Technical Societies. (This brings this section into alignment with the NCEES Model Guidelines for Continuing Professional Development.)

Section 12 4h was added, it states:

A licensee may earn a maximum of 15 PDH’s for the two year renewal period through: Active participation as a pro bono committee member involved in the development, revision, or update of standards, specifications; technical instructions or codes intended for use or guidance of professional engineers or for the protection of public health and safety.

A complete copy of the Statute and Rules may be found on the website or in the Peach Colored, Fifty-seventh Report with Roster of Professional Engineers mailed to all licensees.

### Licensed in Multiple States?

With Mandatory Continuing Education in more then half of the jurisdictions, the National Council of Examiners for Engineers and Surveyors (NCEES) and American Council of Engineering Companies (ACEC) are developing <http://www.rcep.net/> to help manage multiple requirements. The website is currently still being developed but the some of the components are operational.

The components are:

Continuing Education by Jurisdiction – A map of the United States where you can click on an individual state and see a synopsis of it’s continuing education requirements.

Searchable Master Calendar of Course Offerings by Registered Providers. Search by geographic location or by course type: Business, Ethic or HSW (Health, Safety and Welfare – Technical Courses)

Opportunity to Subscribe to a Master On-line Continuing Education Log to aid in Record keeping. This Master Log is acceptable to all jurisdictions, automatically updated with course information by Registered Providers, and can be updated with self-reported Continuing Education Activities.

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## **Schedule of Board Meetings:**

**January 18, 2007**

### **Maine Engineers Week 2007 – SAVE THE DATE**

The **Maine Engineer's Week 2007 Banquet** will be held at **Verillo's Conference Center** in Portland on February 23, 2007. The **Maine E-Week Expo** will be held on Saturday, February 24, 2007 at the **University of Southern Maine Fieldhouse** in **Gorham, Maine**. From 9 AM to 2 PM, Maine's top engineering firms, engineering schools, government agencies, and industry will be set up exhibits throughout the Fieldhouse. More information can be found at the MEPC web site, [www.engineeringME.com](http://www.engineeringME.com).

**[www.maine.gov/professional\\_engineers/](http://www.maine.gov/professional_engineers/)**

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